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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,606	12/02/2003	Jean Philippe Vasseur	CISCP843	4981
26541	7590	06/07/2007	EXAMINER	
Cindy S. Kaplan P.O. BOX 2448 SARATOGA, CA 95070			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,606	Applicant(s) VASSEUR ET AL.	
	Examiner Raj K. Jain	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/04, 1/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganti et al (US 2003/0185217 A1) in view of Chiruvolu (US 2003/0067880 A1).

Regarding claims 1, 6, 11 and 16, Ganti discloses a method for operating a node in a label switched network (see abstract and Fig. 2), said method comprising:

receiving a request to establish a proposed label switched path through said node (see para 21, a request message is received and an link computation algorithm is performed);

determining that a bandwidth requirement of said proposed label switched path cannot currently be met (see para 23, bandwidth computation is performed to determine if bandwidth is available for a given link or not);

after receiving said request, receiving information from one or more downstream nodes along said proposed label switched path identifying one or more currently configured label switched paths that have been preempted downstream (see paras 13-20 and 78); and

selecting one or more label switched paths to preempt from among currently configured label switched paths, said selecting being based at least in part on said received information (see para 51-56 and claim 12).

Ganti fails to disclose a time period for execution of above steps.

Chiruvolu discloses a time period with an expiration time period (see abstract para 11, 28 and 32 and Figs. 4 and 6). A timer allows for traffic to be rerouted or queued based on congestion status for links in a given MPLS network.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Chiruvolu within Ganti so as to improve network performance.

Regarding claims 2, 7, 12 and 17, discloses Chiruvolu discloses determining said time period responsive to a number of hops between said node and a destination of said proposed label switched path (see abstract, para 7 and 11). Reasons for combining same as above.

Regarding claims 3, 8, 13 and 18, Ganti discloses a message indicating acceptance of said proposed label switched path prior to expiration of said time period (see para 94).

Regarding claims 4, 9, 14 and 19, Ganti discloses selecting favors local preemption of said currently configured label switched, paths that have been preempted downstream (see abstract, paras 51-56, a traffic profile can be defined and therefore selecting local preemption if so desired).

Regarding claims 5, 10, 15 and 20, Ganti discloses one or more label switched paths selected for preemption have a lower priority than said proposed label switched path (see paras 19-23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Raj K. Jain/

A handwritten signature in black ink, appearing to read 'Raj K. Jain', written over the printed text 'Art Unit 2616'.

Art Unit 2616

June 4, 2007